THE LINGERING SHADOW

Probers' Compassion Proved to Be Mistake

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(Eighth in a Series)

The Warren Commission did make a mistake. It had compassion.

There was some evidence which could have been made part of the record, but was not: X-rays and photographs taken at the autopsy of President John F. Kennedy.

Had these photographs been introduced as commission exhibits, the commission may have been bound to publish them — as it did with other non-secret exhibits.

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IN THE HEARTSICK atmosphere after the assassination, there were those who felt this was unnecessary, that the evidence could be placed under lock and key for historians of the future and that the sworn testimony of autopsy surgeons would now be sufficient.

But who could have reckoned there would be the time of the critics? Who could have anticipated the commission findings would be painted with suspicion?

There were other acts and incidents which the critics could seize upon and emphasize and place out of focus. They did.

There was a pathologist who made an inexact dot on an autopsy sketch representing a bullet entry; there were two FBI agents who reported the speculative conversation of pathologists without knowing the whole story; there were the three pathologists who left a corroborating detail of evidence out of the autopsy report.

There was a pathologist who burned a draft of the autopsy in his fireplace; there were harried reporters at a Parkland Memorial Hospital who failed to make clear that doctors were speculating in describing the President's throat wound as an entry wound.

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THE CRITICS — most notably Mark Lane, Edward Jay Epstein and Harold Weisberg — drew their own meanings from these things to make the autopsy finding suspect or tarnished.

The autopsy report states conclusively that Kennedy was struck by two bullets. One went through his neck. It was a wound doctors say he would have survived. The second bullet struck his skull. It was fatal.

These findings are central to the single bullet theory. This theory is that a bullet went through the President's neck and went on to wound Gov. Connally. If not, the single bullet theory collapses. And so does the Warren Report conclusion that Lee Harvey Oswald alone fired the bullets.

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THE CRITICS HAVE constructed their machine of destruction by selection of parts of testimony and parts of evidence from the Warren Report. Some of it has been clever — and some absurd.

What could be more absurd than the way they see the holes in the President's suit jacket and shirt? Neither Lane, Epstein nor Weisberg challenges the Warren Report evidence that there was a hole in the jacket "5⅜ inches below the top of the collar and 1¾ inches to the right of the center back seam of the coat" and a hole in the shirt "5¾ inches below the top of the collar and 1⅜ inches to the right of the middle of the back of the shirt."

"That evidence is compatible with a bullet passing through the President's back, inches below the neck" Lane says in his book.

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WEISBERG LOWERS the hole a few inches by describing it in his book as "six inches down from the collar. Not in the neck." He drops the key words "top of."

Epstein, in his book, publishes photographs which show the garments on a hanger. The holes can be seen clearly.

"These photographs . . . were omitted from the Warren Report and the 26 volumes of supporting evidence," he says. He got them from the National Archives. But other pictures, not nearly as dramatic, are in the evidence, and the testimony is quite precise.

Seeing the holes through the eyes of Lane, Epstein and Weisberg, it might seem that the bullet which made them could not have hit the President in the base of the neck. But put a jacket and shirt on any grown man with reasonably well-developed shoulders, measure 5⅜ inches below the top of the collar and a bit to the right of the seam, have him raise his right arm slightly as the President's was, and mark the spot with a pencil point or chalk. Where does this touch the body? The base of the neck.

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THE PRECISE LOCATION of the President's wounds is described in the autopsy report. But the decision not to introduce the autopsy X-rays and photographs — which would show those wounds — contributed to today's controversy. Who would have known three years ago that they would?

And who made the decision?

There are two major versions, both of which writers of this report have gleaned from members of the commission staff:

1—"The Chief Justice Earl Warren, who was chairman of the commission is a very humane and sensitive man. Out of deference to the Kennedy family, especially to Mrs. Kennedy, Caroline and John-John, he decided it would be awful if they were introduced as evidence and then published. He first determined informally that this evidence was not absolutely necessary because the autopsy pathologists could testify as to details," said one.

2—"There were members of the staff who out of trial

experience felt that the X-rays and photos were vital documents in presenting evidence. There was a feeling that the chief justice recognized the value of this evidence but that the decision to keep them under seal came from Sen. Robert F. Kennedy, who was then the attorney general. It was

Bobby's decision," said another.

Neither the chief justice nor the senator will comment about this or any other aspect of the report. The only thing Sen. Kennedy has said publicly was a

statement he made in Poland that he was satisfied that Oswald was the assassin.

Next: Joseph A. Ball of Long Beach says X-rays should have been introduced in evidence.